

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ginsberg et al. **Art Unit :** 3714
Application No. : 09/846,025 **Confirmation No. :** 4295
Filed : April 30, 2001
Title : REAL-TIME INTERACTIVE WAGERING ON EVENT OUTCOMES
Examiner : Corbett B. Coburn

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

A notice of abandonment in the application was erroneously mailed on January 27, 2011. Applicants request that the notice of abandonment be withdrawn because the Application is not in fact abandoned.

On December 6, 2010, a notice of non-compliant amendment in the present application was mailed. The notice of non-compliant amendment set a 1 month period for reply and identified that extensions of that period under 37 CFR 1.136(a) were available. Therefore, the extension period ended on June 6, 2011, and the present application would not go abandoned if an amendment was filed before that date.

On January 27, 2011, during the 37 CFR 1.136(a) extension period, a notice of abandonment in the present application was mailed. This notice of abandonment is erroneous because it was filed before June 6, 2011, during the extension period.

On March 14, 2011, the Examiner of the present application left a telephone message for Applicants related to the notice of abandonment. The Examiner stated in that message that Applicants could file a petition to remove the abandonment and that such a petition should "definitely be granted."

On March 15, 2011, Applicants filed a response to the December 6, 2010 notice of non-compliant amendment requesting a three month extension of time. This response was filed

during the 37 CFR 1.136(a) extension period, with required requests for extensions. Therefore, this response is timely and should be entered.

Accordingly, because Applicants filed a response to the notice of non-compliant amendment within the 37 CFR 1.136(a) extension period that was identified as being available by the notice of non-compliant amendment, the present application is not abandoned. The notice of abandonment was therefore erroneous and should be vacated.

Applicants therefore petition for the withdrawal of the notice of abandonment. This petition is timely because it is filed within two months of the mailing of the notice of abandonment.

Respectfully submitted,

March 15, 2011

Date

/Mark A. Miller/

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